

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FAITH MALICK, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	CIVIL ACTION NO. H-14-1545
	§	
NCO FINANCIAL SERVICES, INC., <i>et al.</i> ,	§	
	§	
Defendants.	§	

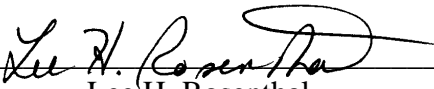
ORDER

The parties in this case settled, but they submitted their remaining dispute over attorneys' fees to the court. NCO Financial Services, Inc. and Does 1-10, have moved to strike the plaintiffs' reply. (Docket Entry No. 26). They argue that the plaintiffs violated the Local Rules by filing the reply without leave and by submitting new evidence with the reply. (*Id.*). In the alternative, the defendants move for leave to file a surreply. (*Id.*).

The defendants' motion to strike the plaintiffs' reply is denied, but their request to file a surreply is granted. *See Simmons v. T-Mobile USA, Inc.*, 2006 WL 3447684, at *1 (S.D. Tex. Nov. 22, 2006) (granting the defendant leave to file a surreply to a reply that had attached "several affidavits" because "the Court of Appeals . . . has held in the analogous context of a summary judgment motion that district courts may consider a reply brief's new arguments and evidence so long as the non-movant is given an adequate opportunity to respond" (citing *Vais Arms, Inc. v. Vais*, 383 F.3d 287, 292 (5th Cir. 2004))).

By June 26, 2015, the defendants may file surreply no longer than five pages.

SIGNED on June 19, 2015, at Houston, Texas.



Lee H. Rosenthal
United States District Judge